

# CITY COUNCIL OF THE CITY OF ANNAPOLIS

## CHARTER AMENDMENT NO. CA- -02

### Introduced by

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#### A RESOLUTION concerning

#### NON-PARTISAN ELECTIONS

**FOR** the purpose of amending the Charter of the City of Annapolis to provide for non-partisan elections for the mayor and aldermen, including non-partisan procedures for the appointment of supervisors of elections and for the filling of mid-term vacancies in the offices of mayor and aldermen.

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**BY** repealing and re-enacting, with amendments  
Article II – Election of Mayor and Aldermen  
Sections 5, 6 and 7  
Charter of the City of Annapolis

**SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Charter of the City of Annapolis shall read as follows:

#### ARTICLE II. ELECTION OF MAYOR AND ALDERMEN

**Sec. 5. Nominations; Primary election dates; municipal-General election dates; Qualification and term dates.**

(a) **Nomination for a mayor and shall be made by filing with the board of supervisors of elections a certificate executed by no fewer than two hundred fifty qualified voters of the city, with not less than thirty signatures being those of registered voters from each of the city wards. Nominations for every one (1) alderman from for each ward in the city shall be made by direct vote of the respective political parties at filing with the board of supervisors of elections a certificate executed by no fewer than fifty qualified voters who are residents of that ward.**

(b) **The primary elections, if required, to shall be held in the city for the several candidates for mayor and, in each ward of the city, for the several candidates for aldermen, on the third Tuesday of September in each year in which municipal elections in the city are**

1 to be held. If no more than two persons shall file certificates of nomination for the office  
2 of mayor, no primary shall be conducted and those persons who filed certificates shall  
3 appear on the ballot for the mayor at the general election. If no more than two persons  
4 shall file certificates of nomination for the office of alderman of any ward, no primary shall  
5 be conducted in that ward and those persons who filed certificates shall appear on the  
6 ballot for alderman of that ward at the general election. When a primary election is  
7 conducted for any office, the names of the two candidates having received the most votes  
8 for mayor or for alderman in any ward shall appear on the ballot for mayor and for  
9 alderman, respectively, at the general election.

10  
11 (c) ~~Municipal~~ **General** elections shall be held ~~on the first Tuesday after the first~~  
12 ~~Monday in November in every fourth year, beginning with the year 1985.~~ **on the date**  
13 **prescribed by Article II, Section 2 of this charter.** However, in the event an election will  
14 occur on the same day as the public observance of a religious holiday, or in case of severe  
15 weather, the board of supervisors of elections shall have the authority to reschedule the  
16 election to a day within one week of the day prescribed by this section.

17  
18 (d) The mayor and aldermen elected at each ~~municipal~~ **general** election shall  
19 qualify in the manner prescribed by Article IX, Section 1 of this Charter, and shall take  
20 office on the first Monday in December of the year in which they are elected and shall hold  
21 office until the first Monday in December in the fourth year following, or until their  
22 successors are elected and qualify.

## 23 24 **Sec. 6. Board of supervisors of elections.**

25  
26 (a) There is a board of supervisors of elections of the City of Annapolis,  
27 consisting of three (3) residents in and voters of the city, ~~two (2) of who shall always be~~  
28 ~~selected from the leading political parties of the state, one (1) from each of such parties.~~  
29 The members shall be persons of approved integrity and capacity, and may not hold  
30 elective office, nor be candidates for elective office during their terms of office. Members  
31 shall serve without compensation.

32  
33 (b) Members of the board of supervisors of elections shall be appointed by the  
34 city council on the second Monday of March every four (4) years, beginning in 1986,  
35 provided that the members of the board of supervisors of elections holding office at the  
36 time of adoption of this Charter shall continue in office until their successors are appointed  
37 and qualify. Each supervisor shall hold office for four (4) years from the date of  
38 appointment, except that a supervisor may be removed during a term of office for cause  
39 by a vote of a majority of the city council. In the event of a vacancy, the City Council shall  
40 immediately fill the vacancy. A chair of the board of supervisors of elections shall be  
41 chosen annually by its members.

42  
43 (c) ~~Before appointing any supervisors of election, the city council shall request~~  
44 ~~the city central committees representing the two (2) leading political parties of the state in~~  
45 ~~the city each to designate at least four (4) eligible candidates for the position to be filled,~~  
46 ~~by the second Monday in March. If a city central committee fails to nominate the required~~

~~number of candidates as provided herein, the mayor shall submit a list of nominees to the city council in addition to the central committee's list by the first Monday in April. The city council shall appoint the supervisors by the second Monday in April.~~

**Sec. 7. Vacancies.**

(a) The following procedure for the filling of vacancies shall apply whenever a vacancy shall occur with less than fifteen months remaining until the next general election at which members of the city council shall be elected.

(1) In case of the death, resignation, refusal to serve, disqualification of the mayor or of any alderman, or removal out of the city by the mayor, or out of the ward, by any alderman, the mayor or acting mayor shall give written notice of the vacancy, within five (5) business days, to the ~~chairman of the city central committee of the political party to which the person vacating was registered with the board of supervisors of elections at the time of election~~ **City Council**.

(2) Not more than five (5) business days after being notified by the mayor or acting mayor, the ~~central committee~~ **City Council** shall announce the time and place of a public hearing to be held for the purpose of selecting ~~candidates~~ **a person** to fill the vacancy. ~~Such~~ **The** announcement shall consist of, but not be limited to, a prominent notice in a local daily newspaper. The hearing shall be held not less than ten (10) business days, nor more than fifteen (15) business days, from the date the announcement first appears in the newspaper.

(3) ~~Not less than five (5) business days before the hearing date, the central committee shall announce the qualified candidates of its political affiliation to be considered at the hearing. If any otherwise qualified person is not selected by the central committee, that~~ **Any qualified** person shall be considered at the hearing upon presentation of a petition, in the case of a vacancy in the office of alderman, signed by at least fifty (50) registered voters ~~of the appropriate political party~~ who live in the affected ward. If the vacancy is in the office of mayor, the petition shall bear the signatures of at least two hundred fifty (250) registered voters ~~of the appropriate political party~~, with not less than thirty (30) signatures being those of registered voters from each of the city's wards.

(4) At the hearing, each qualified candidate shall have an opportunity to address the ~~central committee~~ **City Council**. After all candidates have been heard, the ~~central committee~~ **City Council** shall select one (1) candidate and the ~~chairman of the committee~~ **City Council** shall notify the mayor or acting mayor, in writing, of the choice, not more than three (3) business days after the hearing.

(5) At the next regularly scheduled meeting of the city council, or at ~~a~~ **the** special session convened before then by the mayor or acting mayor for the purpose of filling the vacancy, the selected candidate shall be sworn in and seated immediately.

1       ~~(6) If the person vacating office was not registered in a political party at the time~~  
2 ~~of election, the city council shall follow as closely as possible the candidate selection and~~  
3 ~~election procedure above prescribed for a central committee to follow, but without regard~~  
4 ~~to the political affiliation of any candidate.~~

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6       (b) The following procedure for the filling of vacancies shall apply whenever a  
7 vacancy shall occur with fifteen months or more remaining until the next general election  
8 at which members of the city council shall be elected.

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10       (1) In case of the death, resignation, refusal to serve, disqualification of the  
11 mayor or of any alderman, or removal out of the city by the mayor, or out of the ward by  
12 any alderman, the mayor or acting mayor shall issue a proclamation directing that a  
13 special primary election, **if required**, and a special general election be held to fill the  
14 vacancy. The mayor or acting mayor shall issue this proclamation within five (5) days after  
15 the vacancy occurs.

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17       (2) The proclamation shall specify the date for the special primary election and  
18 **the special general election**, provided that the special primary election shall be held on any  
19 weekday other than a state or religious holiday which is at least twenty-three (23) days but  
20 no longer than thirty (30) days from the date of the proclamation and that the special  
21 general election shall be held on any weekday other than a state or religious holiday which  
22 is at least twenty-one (21) days but not longer than thirty days from the date of the special  
23 primary election. **The proclamation shall contain a statement that if there are no more than**  
24 **two (2) candidates for an office, the date scheduled for the primary election will become**  
25 **the date for the general election and no primary election shall be held.**

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27       (3) **The nomination procedures set forth in Article II, Sec. 5 (a) of this charter**  
28 **shall apply to special primary and general elections conducted under this subsection. If**  
29 **no more than two (2) persons shall file certificates of nomination for the office of mayor,**  
30 **no primary shall be conducted and those persons who filed certificates shall appear on the**  
31 **ballot for the mayor at the general election. If no more than two (2) persons shall file**  
32 **certificates of nomination for the office of alderman of any ward, no primary shall be**  
33 **conducted in that ward and those persons who filed certificates shall appear on the ballot**  
34 **for alderman of that ward at the general election. If a primary election is not required, as**  
35 **determined by the Board of Supervisors of Elections, then the general election may be**  
36 **conducted on the date specified for the primary election.**

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38       (34) Except as otherwise specifically provided herein, and except where such  
39 construction would be unreasonable, the provisions of this Charter and of Title 4 of the  
40 Code of the City of Annapolis shall be applicable to the special elections provided for  
41 herein and the city shall annually budget an amount for that purpose.

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43       (45) Certificates of candidacy shall be filed with the office of the board of  
44 supervisors of elections not later than 9:00 p.m. on the Monday which is three (3) weeks  
45 before the day on which the special primary election is scheduled to be conducted. If the

1 filing date occurs on a legal holiday, the certificates shall be filed not later than 9:00 p.m.  
2 on the next regular business day which is not a legal holiday.

3 (2)——

4 (56) The candidate who has been declared elected by the board of supervisors  
5 of elections shall be sworn in and seated at the next regular or special meeting of the city  
6 council following the special general election.

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12 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
13 **COUNCIL** that the date of adoption of this Resolution is \_\_\_\_\_, and the  
14 amendment of the Charter of the City of Annapolis, hereby enacted shall become effective  
15 on \_\_\_\_\_, unless a proper petition for referendum hereon shall be filed as permitted  
16 by law, provided a complete and exact copy of this Resolution shall be continuously posted  
17 on the bulletin board in the City Hall until \_\_\_\_\_, and provided further that a  
18 copy of the title of this Resolution shall be published in "The Capital," a newspaper of  
19 general circulation in the City of Annapolis, or in any other newspaper of such general  
20 circulation, once in each of the weeks on \_\_\_\_\_, \_\_\_\_\_,  
21 \_\_\_\_\_, and \_\_\_\_\_.

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25 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
26 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions of  
27 Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be  
28 maintained appropriate certificates of publication of the newspaper or newspapers in which  
29 the title of the Resolution shall have been published and if a favorable referendum is held  
30 on the Charter change, shall declare the Charter change hereby enacted to be effective  
31 on \_\_\_\_\_, by affixing his signature hereto in the space provided on the effective  
32 date of change.

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36 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**  
37 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become effective,  
38 either as provided herein or following a referendum, the Mayor shall send to the  
39 Department of Legislative Reference of Maryland a copy of this Resolution showing the  
40 number of Aldermen voting for and against it and a report on the votes cast for or against  
41 the amendment hereby enacted at any referendum thereon and the date of such  
42 referendum.

43  
44 The above Charter Amendment was enacted by the foregoing Resolution which was  
45 passed at a \_\_\_\_\_ meeting of the Annapolis City Council on \_\_\_\_, \_\_\_\_ Aldermen voting  
46 in the affirmative, \_\_\_\_\_ Aldermen voting in the negative, \_\_\_\_ Aldermen abstaining and

\_\_\_\_\_ Aldermen absent and the said Resolution becomes effective in accordance with law  
on the \_\_\_\_\_ day of \_\_\_\_\_.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**ATTEST:** **THE ANNAPOLIS CITY COUNCIL**

**Deborah Heinbuch, CMC/AEE** **BY:** \_\_\_\_\_  
**City Clerk** **Ellen Moyer, MAYOR**

**EFFECTIVE DATE:** \_\_\_\_\_

**EXPLANATION:**

Redlining indicates matter added to existing law.  
~~Strike Out indicates matter deleted from existing law.~~  
Underlining and redlining indicate amendments.